

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROOSEVELT ERVING JR.,

Defendant.

4:05CR3002

MEMORANDUM AND ORDER

Mr. Erving has filed a motion for compassionate release claiming Covid-19 as the reason. (Filing 101.) I will deny the motion largely for the reasons set forth in the excellent investigation report prepared by the United States Probation Office. (Filing 107.)

First, it is doubtful that Mr. Erving, who has contracted Covid-19 in the past and recovered, is likely to be reinfected. “Survivors of Covid-19 are significantly less likely than the rest of the population to catch the novel coronavirus—but their risk of reinfection is not zero, according to a study published Wednesday in JAMA Internal Medicine.” See <https://www.advisory.com/en/daily-briefing/2021/03/02/reinfection> (March 2, 2021) (summarizing *Association of SARS-CoV-2 Seropositive Antibody Test With Risk of Future Infection*).

Second, assuming that he is at some risk, he is a danger to the community. He was sentenced on December 15, 2005, to 396 months for 13 counts of bank robbery and 84 months for brandishing a firearm during a crime of violence, which sentences are to run consecutive.

Third, Mr. Erving does not have an adequate release plan as he cannot reside with his former wife or his daughter and he has proposed no other release plan which is acceptable.

Therefore,

IT IS ORDERED that the motion for compassionate release (Filing 101) is denied.

Dated this 6th day of May, 2021.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive, flowing style.

Richard G. Kopf
Senior United States District Judge